

# ARKANSAS SUPREME COURT

No. CR 06-297

NOT DESIGNATED FOR  
PUBLICATION

DOYLE ANTHONY JONES  
Petitioner

Opinion Delivered April 20, 2006

*PRO SE* MOTION FOR RULE ON CLERK  
[CIRCUIT COURT OF WASHINGTON  
COUNTY, CR 2003-850-2, HON. KIM  
MARTIN SMITH, JUDGE]

v.

MOTION DENIED

STATE OF ARKANSAS  
Respondent

## PER CURIAM

A jury found petitioner Doyle Anthony Jones guilty of arson and sentenced him to 480 months' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Jones v. State*, CACR 04-632 (Ark. App. March 15, 2005). Petitioner then timely filed a *pro se* petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied. Petitioner timely filed a notice of appeal on June 13, 2005, but failed to tender the record to this court until March 22, 2006. He now brings this *pro se* motion for rule on the clerk to file the record.

A record must be tendered within ninety days of the date of the notice of appeal in order to meet the time limit set in Ark. R. App. P.--Civ. 5(a), as applied through Ark. R. App. P.--Crim. 4(a), unless the circuit court granted an extension of time. Petitioner should have tendered the record to this court no later than September 12, 2005. Petitioner does not indicate in his motion that he requested any extension of time prior to that date, and there was no extension filed in the record. Petitioner offers no reason that the record was not tendered on time, other than the circuit clerk failed to provide the record to him in time.

It is not the duty of the circuit clerk, or the responsibility of anyone other than the petitioner, to perfect an appeal. *See Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (*per curiam*); *Bragg v. State*, 297 Ark. 348, 760 S.W.2d 878 (1988) (*per curiam*). In *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004), this court clarified its treatment of motions for rule on the clerk and motions

for belated appeal. We said that there are only two possible reasons for an appeal not to be timely, either the party or attorney filing the appeal is at fault or there is good reason. If the party believes there is good reason the appeal was not perfected, the case for good reason can be made in the motion, and this court will decide whether good reason is present. *Id.* at 116, 146 S.W.3d at 891.

Petitioner has stated no good reason for the failure to timely tender the record, and petitioner is clearly at fault. All litigants, including those who proceed *pro se*, must bear responsibility for conforming to the rules of procedure or demonstrating a good cause for not doing so. *Peterson v. State*, 289 Ark. 452, 711 S.W.2d 830 (1986) (*per curiam*); *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (*per curiam*); *Thompson v. State*, 280 Ark. 163, 655 S.W.2d 424 (1983) (*per curiam*). *See also Tarry v. State*, 353 Ark. 158, 114 S.W.3d 161 (2003) (*per curiam*). Accordingly, we deny the motion for rule on the clerk.

Motion denied.